

MEMO ENDORSED



THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

MICHAEL A. CARDOZO
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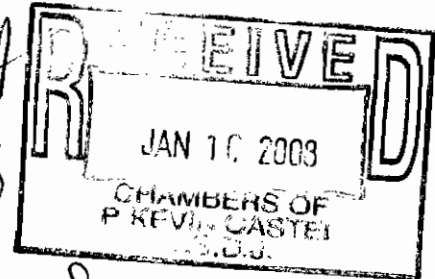
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BY HAND

Honorable P. Kevin Castel
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

January 9, 2008

Re: Solomon Ayodele v. City of New York, et al.
07 Civ. 8573 (PKC)



Your Honor:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for defendants City of New York and the New York City Police Department, in the above-referenced matter.¹ Defendants respectfully request that their time to respond to the complaint in this action be extended sixty days, from January 9, 2008 until March 10, 2008. Plaintiff is proceeding *pro se* and the contact telephone number plaintiff provided to this office appears to be out of service; therefore, this request is made directly to the Court. *granted*

Plaintiff alleges that on July 16, 2007, he was falsely arrested following an incident in the 14th Street subway station in Manhattan. Plaintiff claims that while he was incarcerated he sustained physical injuries in a fight with other inmates. He also alleges that he was forced to make 12 court appearances until the criminal charges brought against him were formally dismissed, and that he lost his job as a result of his incarceration.

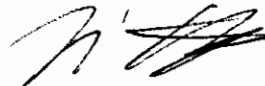
¹ This case has been assigned to Assistant Corporation Counsel Benjamin Stockman, who is not yet admitted to this Court and is handling this matter under supervision. Mr. Stockman may be reached directly at (212) 788-1177.

In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need time to investigate the allegations of the complaint. In this case, plaintiff alleges that unnamed police officers falsely arrested him. Accordingly, it is necessary for our office to acquire as much information as possible concerning this matter in order to properly assess the case and respond to the complaint. As plaintiff alleges that the criminal charges brought against him were dismissed, the records associated with plaintiff's arrest and subsequent prosecution would be sealed pursuant to N.Y. C.P.L. §160.50, and this office is in the process of obtaining the District Attorney, Criminal Court and police records associated with plaintiff's underlying arrest. Therefore, an extension of time will allow this office time to gather the relevant documents and satisfy our obligations under Rule 11 in advance of responding to the complaint.

No previous request for an extension has been made in this action. Accordingly, we respectfully request that defendants' time to respond to the complaint be extended until March 10, 2008.

I thank the Court for its time and consideration of this request.

Respectfully submitted,



Michael Chestnov
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Solomon Ayodele, *pro se* (Via First Class Mail)
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